



MINUTES

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD MEETING: Monday 13 June 2022, North Queensferry

Present: Lord Carloway, Lord President (Chair)
Maggie Craig
Lady Dorrian, Lord Justice Clerk
Ruth Innes, QC
Colonel David McIlroy
Eric McQueen
Sheriff Jillian Martin-Brown
Sheriff Olga Paspornikov
Morna Rae, JP
Anne Scott
Sheriff Principal Craig Turnbull
Lynsey Walker
Lord Woolman

Attended: Noel Rehfisch, Interim Deputy Chief Executive, SCTS
Karen Lawrie, Head of Secretariat, SCTS

Apologies: Steven Dickson
Dr Sophie Flemig

1. Minutes of the SCTS Board Meeting on 28 March 2022

1.1 The Minutes of the last meeting were approved.

2. Declarations of Interest and Matters Arising

2.1 There were no declarations of interest.

3. Observations from Visit to Kirkcaldy Sheriff Court

3.1 Ahead of the meeting, members visited Kirkcaldy Sheriff and Justice of the Peace Court. The Sheriff Court extension, built in 1982, is a poor integration of the old and new parts of the building. Limited consideration had been given to segregated routes. The entrance layout is congested for those accessing the building. The Board agreed that these design shortcomings, which cannot easily be rectified, were unacceptable. They required continual maintenance.

3.2 The Board acknowledged that the two court annexe, which was opened in 2019, provides high quality modern facilities for jury trials and custody cases. This was the first phase in addressing the design limitations, with a proposed future phase involving demolition of buildings and the construction of a court extension with accommodation for all justice organisations; effectively creating a Kirkcaldy justice centre

3.3 The Board agreed that the Estates Committee should explore the extent to which further improvements could be made to the Kirkcaldy estate and re-assess the possibility of expanding

the new annexe. Members commended the professionalism, motivation and enthusiasm of the staff whom they met during their visit.

4. Edinburgh Justice Campus

4.1 The Board reviewed the outline business case for the “Edinburgh Justice Campus” programme. The Board approved the expenditure and works associated with phase 1. Scottish Ministers had also approved this phase and confirmed that funding would be provided to support the programme.

5. SCTS Corporate Plan 2023-26

5.1 The Board were informed that the current SCTS Corporate Plan was due to end in March 2023. A new plan must be produced every three years to set out the high-level direction of, and outcomes for, the SCTS. The next plan would cover 2023-26. An overall timeline for production of the new plan was agreed. The Board reviewed and discussed key trends, challenges and opportunities facing the SCTS over the coming 3 years as an introduction to the development of the plan.

5.2 Detailed discussion sessions would be scheduled for each of the remaining Board meetings in 2022 covering the SCTS key reform areas: Criminal, Civil, Tribunals & OPG and Corporate.

6. Coronavirus (COVID-19) Update

6.1 The Board reviewed recent events and the ongoing response and recovery activity of the SCTS in relation to the COVID-19 pandemic. Oversight of the response continued to be provided by the Strategic Incident Management Team (SIM). Provided that there were no significant changes to the current COVID-19 infection levels, the SIM team response would be concluded in the coming weeks. It would be replaced by a transition to more normal operational management arrangements overseen by the Executive Team. Plans were in place to conduct a lessons learned review of the overall response as part of closing the formal incident response to this stage of the pandemic. The findings of that review would be shared with the Board.

6.2 Developments since the last meeting in March were outlined. In April, restrictions on public access to SCTS facilities were lifted and public counters in courts re-opened. Work was under way to support the return of juries to court buildings over the summer months, following the success of the use of remote jury centres.

6.3 The Board acknowledged the continuing pressures faced. Members commended everyone’s efforts to maintain safe operations, whilst managing backlogs and change.

7. Finance Report

7.1 The Board considered the provisional year-end outturn for the 2021-22 financial year. The provisional outturn projected a £3.5m (2.3%) underspend against total net expenditure. The underspend was largely due to the substantial impact of the COVID Omicron variant on operational business in addition to lower than planned recruitment due to a highly competitive market. A late recovery of court fees had led to slightly higher than anticipated income for the year.

7.2 The Board welcomed the re-prioritisation of significant additional funding to estates backlog maintenance to ensure that the annual target for spend in this area was exceeded. Digital development had utilised re-prioritised funds.

8. Spending Review – 2023-24 to 2026-27

8.1 The Board received an overview of the Scottish Government’s “Resource Spending Review” which was published on 31 May. The review set out the financial framework for the devolved public sector from 2023-24 until the 2026-27 financial year. It reported an initial flat-cash settlement for all organisations across the justice sector for each of the next 4 financial years. The Board acknowledged the significant financial challenge this posed for the SCTS. The continuation of funding to support the court recovery programme was welcomed. However, there was a real-term reduction in budget. A flat cash settlement may limit the level of recovery activity that would be otherwise achievable in practice.

8.2 The detailed budget for the 2023-24 financial year would be agreed during the Autumn. The Board confirmed that an assessment of the impact of a flat-cash settlement on both core operations and system reform should be carried out. An assessment would identify the level of investment required to maintain current activity and consider areas for capital investment which might improve operations or efficiency.

9. Quarterly Performance Review and Scorecard Q4

9.1 The Board carried out its quarterly performance review. The current position on the delivery of the outcomes in the 2022-23 Business Plan and the Board Scorecard for the final quarter of 2021-2022 were scrutinised. Work had commenced in all areas of delivery in the Plan.

10. Standards of Service for Victims and Witnesses

10.1 The annual report on the operation of shared standards of service for victims and witnesses was reviewed. The report provided a summary of how the standards, which had been agreed between the SCTS, Police Scotland, COPFS, the Scottish Prison Service and the Parole Board for Scotland, had operated over the last 12 months. The Board acknowledged that, overall, the standards had continued to be effectively achieved, although the need to observe public health guidance during the pandemic had necessitated some changes in approach. The standards of service would continue to be reviewed in collaboration with other justice organisations.

10.2 The SCTS would continue to work closely with third sector organisations to support victims and witnesses. A review of the SCTS standards would be carried out during 2022-23. Recommendations in the Lord Justice Clerk’s Review of Sexual Offending would be considered where they related to the standards of service.

11. Annual Review of SCTS Standing Orders

11.1 The Board conducted its annual review of the SCTS Standing Orders and the powers and responsibilities that were delegated from the Board to its Committees and the wider organisation. A number of minor updates were proposed. The members’ code of conduct had been fully reviewed to ensure that it was in line with the revised “Code of Conduct for Members of Devolved Public Bodies in Scotland”.

11.2 The revised SCTS Standing Orders were approved for publication in July, superseding the current version.

12. SCTS Committee Update

Audit and Risk Committee

12.1 The Deputy Chair of the Audit and Risk Committee updated the Board on discussions at the Committee’s last meeting. The Scottish Government’s Shared Services implementation initiative had been the main focus of discussions. An SCTS action plan, setting out the specific steps and risk mitigation for a successful delivery would be presented for review at the next meeting.

12.2 The Board were advised that Maggie Craig had been appointed as Chair of the Audit and Risk Committee following her recent appointment to the SCTS Board.

People Committee

12.3 The Deputy Chair of the People Committee reported on the matters discussed at the Committee's last meeting. They received an overview of the Lord Justice Clerk's Review on improving the Management of Sexual Offence cases. The introduction of trauma informed procedures as a result of the review and the overall approach being taken to establish SCTS as a trauma informed organisation had been welcomed by the Committee. A comprehensive update of the People Strategy objectives had been presented. The update highlighted the fast paced changes and challenges which the Human Resources and Education and Learning Units had faced in recent years.

12.4 The SCTS Hybrid Working policy, which had been developed as a result of the COVID-19 pandemic, would be reviewed at the next meeting.

SCTS Estates Committee

12.5 An update was provided from the Chair of the Estates Committee on the discussions at the Committee's last meeting. An update on the Edinburgh Justice Campus had been presented. A member of the Estates Committee would become part of the Programme Board when formal approval to commence the programme was received. The Committee had received an overview of the SCTS's work towards the ambitious, net zero target of 2045 which had been set by the Government. They welcomed the alignment to the Scottish Government's approach of adopting a "learning by doing" method for the journey towards a new zero.

12.6 The Board were advised that Sheriff Jillian Martin-Brown would succeed Col David McIlroy as Chair of the Estates Committee at the end of his appointment to the SCTS Board.

13. Any Other Business

13.1 The Chair thanked Col David McIlroy for his contribution to the Board, the Inverness Justice Centre Programme Board and as Chair of the Estates Committee over the last 7 years. His tenure was due to end on 30 June 2022.

14. Papers for Scrutiny/Exception Reporting Only

14.1 The following papers had been circulated for scrutiny:

- the SCTS Decision Tracker.
- SCTS Court User Satisfaction Survey Results 2021 – Phase 1

No matters were raised by exception.

15. Date of the Next Meeting

15.1 The next meeting would be held on Monday 15 August 2022.

Scottish Courts and Tribunals Service
June 2022